



KAILUA NEIGHBORHOOD BOARD NO. 31

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DRAFT REGULAR MEETING MINUTES THURSDAY, JULY 6, 2006 KAILUA RECREATION CENTER

CALL TO ORDER: Vice Chair Charles Prentiss called the meeting to order at 7:00 p.m.; a quorum was present with 14 members. Bartley gave a few brief reminders regarding the sound system.

MEMBERS PRESENT: Lawrence Bartley, Jon Chinen, Jim Corcoran, Michael Correa, Susan Dowsett, Mike Dudley (arrived 7:08 p.m.), Virginia Enos, Faith Evans, Debbi Glanstein, Joe Harding, Knud Lindgard, Charles Prentiss, Claudine Tomasa Linda Ure, Bill Wilson, and Donna Wong (arrived 7:06 p.m.).

MEMBERS ABSENT: Kathy Bryant-Hunter, Dale Gibler, and Josh Wisch.

GUESTS: Maria Gorak (Homeless Animals), Representative Cynthia Thielen, Caleb Rowe (Congressman Case Office staff), Stann Reiziss, Lt. Col. Patricia Johnson (Marine Corp Base Hawaii), Helen Potts, Karen Kosoc, B. Borden, Juliana Lopez, Senator Fred Hemmings, Lt. Kennard Finn (Honolulu Police Department), Capt. Alex Akana (Honolulu Fire Department), Mark Recktenwald (Governor's Representative), Peter Young (Department of Land and Natural Resources), Dan Orodener (Mayor's Representative), Brian Mick, David Shores, Debbie Gowensmith (Maulka-Makai Watch – DLNR), Kalana Best, Marie Richardson (Neighborhood Commission Office, staff member).

Board members Wong (7:06) and Dudley (7:08) arrived during this portion of the meeting; 16 members present.

UNFINISHED ACTIONS:

Transportation & Public Safety Committee: Faith Evans, Committee Chair, recognized and presented Enos with a "Lei of Aloha" for her dedication, hard work and many contributions to the Board. Evans offered the committee's two motions:

Motion: The KNB requests that the City and County and the management of Lani Huli increase the number of parking spaces by 10 to be assigned to residents at the Lani Huli Elderly Housing project. The issue was brought to the attention of the committee by Board member Lindgard, a resident of Lani Huli. Evans did not see a conflict of interest and stated that Lindgard doesn't have parking at Lani Huli. Lani Huli has a total of 81 units; single studios and one-bedroom. Initially for senior citizens, disabled, and low income, the mix has changed as more residents have cars or drive longer so that the current number of parking spaces are not enough. The letter will go to the Mayor and Lani Huli Management. The parking would be in the basement where there are a lot of unused spaces. The committee understands the management has been opposed citing a liability issue, however, the Board may still advise additional spaces being made available to residents.

Discussion followed: 1) Lindgard said the situation has evolved with residents having to move their transportation several times a day to comply with the rules and it has finally gotten to a point that has become very stressful for the residents who live there. Lindgard has personally inspected the downstairs basement level which is not used more than 10 to 20% at all times, so he recommends supporting the request. 2) Bartley spoke against the motion - it was known there would be parking problems at Lani Huli and the City went in against the advice of the Board and the built it there anyway and took away very valuable public parking. When public parking was taken from that area it took some of the small businesses right out of business. Now the Board will be requesting to take 10 more spaces, or remaining stalls, which could be the margin for some of those businesses still trying to operate. 3) Glanstein was concerned about the comment made in Evans' presentation that there may be a liability issue but that doesn't matter. Evans rephrased to say is that the management opposed it because of a liability issue, but it shouldn't stop the Board from moving ahead with this request; Evans believes it can be taken care of. Glanstein said so we are recommending their consideration of...and Evans replied definitely. 4) Wong asked if this is the one behind the gate, where parking is already reserved for Lani Huli residents or spaces being taken from the public spots. Evans clarified that the spaces being looked at are in the basement of Lani Huli, where no one parks and is vacant most of the time; parking spaces behind the gate are already spoken for by those residing there, so this would be in addition to those. Wong's second question was in regard to the public spaces and how many are in question; Evans replied ten (10). 5) Dowsett spoke in favor of the motion. She understands--when she's been



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there--a huge number of spaces are not used and perhaps checking with DTS to see whether in fact it's really necessary to keep those stalls empty. Also, I would just make sense if no one is using them that residents are allowed to do so. 6) Resident of Lani Huli, Maria Gorak said she's been waiting for a parking space one-year and four months. She has had to park her vehicle fronting a friend's house, which takes her about half an hour to get to. She feels a great need for additional parking. 7) Wong said the stalls for the people who live in the complex were eventually gated because of safety issues--is the same thing going to happen to these 10 stalls or are these stalls located so that it could be done. Evans said the area is more secured and a better lit area. The committee is not asking for a gated parking area because the additional cost would prohibit that. **The motion carried 14-1-1. Aye:** Chinen, Corcoran, Correa, Dowsett, Dudley, Enos, Evans, Glanstein, Harding, Lindgard, Prentiss, Tomasa, Ure, and Wilson. **Nay:** Bartley. **Abstain:** Wong.

Evans proceeded to read the second motion.

Motion: The KNB supports Pearl City Neighborhood Board No. 21 in its concern "that DTS contact and adequately notify all Neighborhood Boards of changes to bus scheduling and route alignment modifications 45 days prior to the effective date of these proposals for input and response to these amendments". Evans explained that all of the construction in Ala Moana caused a problem to re-route the buses to Mililani and many riders going to Mililani were not notified creating a lot of problems for the riders. All the neighborhood board is doing is asking that they be notified 45 days prior to the effective date of the proposals so they can put it on their agenda and open it up to the community to hear their concerns. The committee decided that if this can happen at the Ala Moana to Pearl City area, it can happen to the Windward side as well and the committee decided to support Pearl City and send a letter to the Mayor and to the neighborhood boards.

Without further discussion **the motion carried 15-1-0. Aye:** Bartley, Chinen, Corcoran, Correa, Dowsett, Dudley, Enos, Evans, Glanstein, Lindgard, Prentiss, Tomasa, Ure, Wilson and Wong. **Nay:** Harding.

Executive Committee: Vice Chair Prentiss read the:

Motion: Use up to \$200.00 of KNB annual budget to purchase and install a transmitter and 2 headsets to facilitate wireless communication for the hearing impaired. Bartley informed everyone that the idea was that this equipment would be used to connect to the Board's system a wireless transmitter communication device to be used for the hearing impaired, which would allow direct sound into the headphones. He's also asked for Board volunteers to set up this system, which Enos has graciously volunteered to help set up. He emphasized the need for a backup person. He suggested passing the motion but not acting on it until the Board gets a commitment for a second person to assist with the Board's sound system. Bartley stated he supports the motion.

Without further discussion **the motion carried by unanimous consent, 16-0-0. Aye:** Bartley, Chinen, Corcoran, Correa, Dowsett, Dudley, Enos, Evans, Glanstein, Harding, Lindgard, Prentiss, Tomasa, Ure, Wilson and Wong.

Government & Community Services Committee: Jon Chinen, Committee Chair read the:

Motion: The KNB requests an independent financial audit of the Board of Water Supply prior to the implementation of rate increases. Chinen deferred to Glanstein for discussion. Glanstein said Clifford Lum appeared before KNB in May of this year and said there would be BWS rate increases--at that time several questions were posed: a) are BWS lobbyist working at the state legislature--who is paying them--why are we having an increase when BWS is paying a lobbyist; b) what the auditors are examining now--to which Lum indicated that the auditor is looking only at optimization practices; c) Are there any vacant funded positions at BWS. Lum's response was yes there are 52 positions currently funded but remain vacant. Glanstein further noted the Committee looked at having more accountability from BWS before they start increasing the rate. The committee determined the best way is if the Board requested an independent financial audit of BWS prior to the implementation of a rate increase. Glanstein recapped that while we know that funding is available for vacant positions and we know that the water capacity has not been determined, and if there's no documentation supporting a resident population increase in Kailua, where is the rational basis for an increase in homeowner/occupant water usage; d) She would also like to know if there's a comparable rate increase for resorts, including TVU's (Transient Vacation Units) and B&B's (Bed and Breakfast) facilities and, in the interim, an independent audit is more reliable than what BWS is presently considering. The committee is asking for the Board's consideration of an independent audit prior to the implementation of a rate increase. **The motion carried 13- 2-1. Aye:** Bartley, Chinen, Corcoran, Correa, Dudley, Evans, Glanstein, Lindgard, Prentiss, Tomasa, Ure, Wilson, and Wong. **Nay:** Dowsett and Harding. **Abstain:** Enos.

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APPROVAL OF MINUTES OF JUNE 1, 2006: The following corrections were noted.

- Page 2 through 17 - page headers - delete January 1, 2006 and insert June 1, 2006;
- Page 8, under Community Issues, item Oahu Civil Defense, delete Oahu Civil Defense, insert State Civil Defense; delete John Cummings and insert Norman Ogasahara;
- Page 10, under Parks and Recreation Committee, item a) insert "kiteboard rentals and instructions"; item g) delete "scuba" and insert "snuba".

Question followed: Bartley was contacted by an attorney about comments he made in the November 2002 Regular Meeting Minutes, which were not approved until the January 2003 meeting. He understands that the Board didn't have the same secretary and had a different neighborhood assistant at that time; and that the comments/changes made at the January 2003 meeting were never recorded directly into the November 2002 minutes. He would like to get some kind of feedback whether these approved changes to minutes are being implemented and done now and are being incorporated into the official copy that's being posted. Vice Chair Prentiss noted that the Executive Committee will check into the issue.

Evans moved and Chinen seconded to approve the Regular Meeting Minutes of July 1, 2006, as amended. The motion carried by unanimous consent, 16-0-0. Aye: Bartley, Chinen, Corcoran, Correa, Dowsett, Dudley, Enos, Evans, Glanstein, Harding, Lindgard, Prentiss, Tomasa, Ure, Wilson and Wong.

AGENCY REPORTS:

Honolulu Fire Department (HFD) – Capt. Alex Akana introduced FF3 Makuwai and Dale Mosher to oversee what HFD's participation is like at a neighborhood board meeting. He proceeded to report the following:

- Statistics for last month included: 17 brush, 14 rubbish, 5 vehicle for a total of 36 fires; 87 medical, 15 search and rescue, and 46 miscellaneous for a total of 148 emergencies. Four minor fires were fireworks related; and the 46 miscellaneous emergencies included auto accidents with no injuries, broken hydrants, sight of smoke, etc. These statistics also include the Olomana and Aikahi Park Fire Stations.
- Major incidents included: a) the large brush fire on Maunawili Falls Trail involving 4 – 6 companies and occurring between June 18 and June 30; b) three incidents, rescues on Maunawili Falls Trail, E39, L17, Rescue 1, Air 1, T30, Bn3 from June 18 to 30.
- **Fire Safety Tip: Take the time to childproof your home, especially since keiki are on summer vacation. Check for potentially dangerous situation, i.e., electrical shock, accidental falls, or poisoning from medications, cleaning fluids and houseplants. Keep matches and lighters in a safe place and out of the reach of small children.**

Honolulu Police Department (HPD) – Lt. Kennard Finn:

- Distributed the statistics for June – showing the new CADS break down on the different types of offenses. He still did not have the comparisons for the month to month / year to year breakdowns; and is still working on the comparisons and will convey to the command that the request also be included.
- Noted their average of 2,000 plus cases a month.
- The last page of the printout shows a map with a break down of the different beat areas.

Emergency Medical Services (EMS) – No representative was present.

Marine Corps Liaison – Lt. Col. P. Johnson reported at a previous meeting of the RIMPAC Exercises that will be going on:

- **June 23 to July 27 – Biennial "Rim of the Pacific" (RIMPAC) 2006 Exercise:** Nearly 18,000 U.S. and foreign military personnel will participate in "RIMPAC" 2006, a major maritime exercise being conducted in and around the Hawaiian Islands, which brings together maritime forces from Australia, Canada, Chile, Peru, Japan, the Republic of Korea, the United Kingdom and the United States. The 20th RIMPAC conducted since 1971, the exercise will include a variety of surface combatant ships submarines, tactical aircraft and amphibious forces. In support of RIMPAC 2006: **1) MCAF will go to 24-hour operations from Wednesday, July 5 to Thursday, July 27.** (Local resident should expect **additional aircraft activity** throughout the exercise (and pre-exercise) periods, **June 23 to July 27.**) **2) The MCTAB beach at Bellows** (normally open to the public weekly, Friday, afternoon – Sunday evening) **will be closed** to public access **July 21 - 26** for RIMPAC amphibious operations. (An official notification letter regarding the beach

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closure has been submitted to the City & County of Honolulu parks department which issues public camping passes for that location, so **no camping permits will be issued for July 21 to 26**. The USAF security detachment and recreation department at Bellow Air Force Station (AFS) have also been notified of the closure.)

- **July 8 – American Cancer Society “Relay for Life”:** This community event will be held at Kailua Beach Park, beginning at 6:00 p.m. A Marine color guard from 3d Radio Bn. And the Marine Corps Forces Band will participate.
- **July 15 – 23 – Castle High School MCJROTC Leadership Academy:** Cadets from Hawaii and a Number of other states will attend this year's academy at MCBH, Kaneohe Bay to receive training and exercise their individual leadership capabilities. Details are available from the Castle HS MCJROTC office, at 235-9130.
- **August 12 – Samoan Flag Day:** HQBN, MCBH will provide two Marines for a Joint Service Color Guard and the MARFORPAC Band will perform at this annual event at Keehi Lagoon Park. Start time is 8:00 a.m.

Board of Water Supply (BWS) – No representative

Honolulu Liquor Commission – No representative

Questions & answers for the Agency Reports:

HFD:

1. Evans asked if the Maunawili (Falls Trail) fire was determined as maliciously set. Capt. Akana responded that the cause has not yet been determined and although it could have been accidental, it looked suspicious.
2. Corcoran said there had been two rescues and the fire up in the Maunawili area and he went to check the staging area for the Police, Fire and EMS and that they all operated extremely well with the rescue coordination; and he feels that the community needs to be aware that they are operating very well under these types of conditions and that residents should be encouraged by that.

HPD:

1. Lindgard commended to HPD, on behalf of the people that came to him, for the “heck of a good job” during the 4th of July firework event and that the traffic flowed beautiful and smoothly. Thank you very much. Lt. Finn said that they didn’t anticipate any problems and that he wanted to commend the traffic division.
2. On behalf of Sub District 1, Dudley seconded this last comment and also commended the traffic division for controlling the traffic at the Kailua Beach Park area. Thank You!
3. Evans shared the following: a) a complaint of commercial vehicles parked on the roadway on both Maluniu Avenue and Oneawa Street all night. Lt. Finn asked if it were on the business side of Oneawa; Evans indicated on the resident side of Oneawa; and that she was not given specifics but was told if you pass the area you would see them. Lt. Finn said he did not hear of any complaints but he will check. b) Two commercial vans (Kayak Rentals) are parked on Hekili Street from sundown and for a 24-hour period every day on the public street. Lt. Finn said those vans have been cited. Evans was concerned whether HPD was going to continue to cite them; Finn will check with the night operations again. c) Commented on the new CAD system and statistics report: she suggested that there’s got to be a better way and that she had not had any problem with the old system--and with the crime trends--this type of reporting is kind of meaningless. Lt. Finn’s reply that the command felt that the extra information would better apply and although Evans is all for extra information, she felt that it has to have meaning.
4. Corcoran emphasized the Hekili Street (near the Bowling Alley) situation with the vans--lately when he’s been driving by in the evening that there are more than two vans—two (2) parked on each side of Hekili Street at Hahani and that they are longer than the designated parking stalls. Corcoran said the problem is when you are turning toward Hamakua that there is a traffic safety problem with the inability to see around, or past, the vans when trying to exit from Hekili Street onto Hahani. Bartley asked at what point will the vehicle get towed; and Lt. Finn’s response was when it becomes a traffic hazard, but ordinarily, it is just a parking violation or for example if the vehicle has been cited 20 times at the same location.
5. Dowsett reiterated what Evans said that the CADS report is interesting information and it gives a lot of numbers, but there is no comparison, i.e. if you wanted to know how many burglaries and unless you had this month as compared to last month, you won’t know if you’re doing better or worse until the next month. Another example would be during the summer she would be interested in knowing much safer is her car

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at the beach; how many car break-ins there's been compared to the previous month. So it is helpful information to know how to gauge how the community is doing.

MCBH:

1. Wong asked about the fire on the Base. Lt. Col. Johnson noted that there were two small fires at the firing range on the same day. The Marine Corp plans to hose down the range at least once a week. Another concern was whether the fire reached the bird habitat; Lt. Col. Johnson said "no".

ELECTED OFFICIALS:

Councilmember Barbara Marshall – no representative

Mayor's Representative – Vice Chair Prentiss introduced Dan Orodenker, Kailua's new Mayor's representative. Orodenker proceeded to highlight the responses from the previous month. However, a **point of order** was called by Corcoran, requesting that Orodenker speak slower and louder. Orodenker proceeded:

- Escalating use of amplified sound at parties held in the Kailua Beach Park pavilion – Revised Ordinance of Honolulu, Section 10-1.2 (b)(8) prohibits amplified sound except as authorized by permit and subject to terms and conditions set by DPR. DPR has issued permits to allow amplified sound for large groups and functions when needed. Amplified sound must not extend beyond the perimeter of their function and disturb nearby park users and residential areas. HPD's response, was depending on the circumstances, the following regulations could apply: a) R.O. 41-31.1, Prohibited Noise; and b) H.R.S. 711-1101, Disorderly Conduct. Also, R.O. 10-1.2 (b)(8), Park Rules and Regulations prohibits any activity which produces noise or music exceeding 80dBA sound pressure level taken 10 feet in front of the source. HPD cannot enforce this section because they lack the equipment and training to measure sound levels. Further, there are exemptions to these sections, which are activities of the city, state, or federal governments, or by permit. HPD will respond and investigate all complaints, and take necessary actions.

Questions, answers and concerns followed:

1. Prentiss referred the amplified music concern to the Parks and Recreation Committee; looking for someone to enforce; and the sound going out more than 10 feet away.
2. Corcoran made a point that the Bath House doors, at Kailua Beach Park near the Lanikai end by the Boat ramp were broken off a year ago and still not replaced, and graffiti is abundant and the bathhouse is dirty.
3. Glanstein wanted clarification of the ordinance which Orodenker referred to; Orodenker replied as follows: R.O. 41-31.1, Prohibited Noise; and b) H.R.S. 711-1101, Disorderly Conduct. Also, R.O. 10-1.2 (b)(8), Park Rules and Regulations prohibits any activity which produces noise or music exceeding 80dBA sound pressure level taken 10 feet in front of the source.
4. Corcoran would like Orodenker to check back on the list of questions submitted by the Board the last couple months when the Jeanne Schultz was absent.
5. Enos recalled Lt. Finn for a response to her question regarding noise complaints. Occasionally, on vacation holidays – we call for noise complaints – they said no equipment to test the sound therefore not comfortable to cite. The point being how is the police able to keep under control - does the resident have recourse, what action plan or what's not acceptable. Lt. Finn stated that the callers, when they do not receive satisfactory responses from HPD officers, should call the Desk Sergeant and talk to them about the matter.

Governor's Representative – Mark Recktenwald reported:

- Rock fall mitigation project for Kailua Road – DOT is doing its part getting the temporary lane opened before the 4th of July event. The Deputy Director Muraoka expects the permanent fix will take five to six months; beginning in August and completion in the first quarter of next year
- Palms taken from the median – were transported to a nursery in Waimanalo that the Lani-Kailua Outdoor Circle is working with and used before. The plantings will be enhanced at the end of the project and the palms returned when the temporary lane is removed.
- Potholes at Mokapu Blvd. and Oneawa – (in response to Harding's inquiry) are being repaired by State DOT.

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- Left Turn lanes at Mokapu Blvd and Oneawa - State DOT is preparing the roadway for the two left turn lanes as a stand-alone project (the signals have not yet been delivered) for that area rather than wait for the resurfacing project with the City.

Peter Young, Chairperson Board of Land and Natural Resources – Addendum to follow.

Representative Pono Chong – No representative

Representative Cynthia Thielen – Representative Thielen, in the interest of time, she handed out her 2006 Legislative Report and a copy of Letters and Commentary in the Honolulu Advertiser of June 26, 2006, which says that HECO is still addicted to fossil fuel. Henry Curtis with Life of the Land has intervened in the Public Utilities Commission proceeding and is taking the position that Hawaii has sufficient renewable energy sources that HECO can and should have topped. This proceeding is on-going and the actual hearing will be sometime in December. Anyone having strong interest in stopping HECO's oil addiction is encouraged to write letters to the Editor or do whatever you can to stop this; her message is that the Public Utilities Commission should deny HECO's attempt to build another fossil fuel fire plant because if this goes through, we would have lost and there will be another fossil fuel fire plant.

Questions and answers followed:

1. Wong requested an update on the wave energy. Thielen described four included in her legislative report; one commercial that uses 6 systems to power 60,000 homes is in the Legislative Report and 60,000 homes can be powered by the Denmark "Wave Dragon" project.
2. Bartley emphasized the coal fired power plant proposed by HECO, not a oil fired power plant and Thielen agreed that ethanol can also be use, however, it is still not using renewable resources.
3. Prentiss stressed that the "plant" is two plants, not one. Thielen described how Oregon is encouraging alternative methods for meeting energy need. She will be meeting next week with DBEDT on the issue.
4. An audience member stressed the need for consumers to have the necessary information from the City and the State to conserve energy as well and recycle to reduce consumption of non-renewable resources and was saddened by the lack of information available to consumers in Hawaii.
5. Juliana Lopez recently moved here from the mainland and is surprised there's not much effort on educating the public on conservation methods, renewable energy, and the recycling efforts is almost nil. Coming from the mainland there are some areas with excellent recycling systems, but coming to an island where your trash has nowhere to go, everything should be recyclable – all types to plastics, glass, paper, etc. and she doesn't see that here. She would like to see the government do more on those issues in making consumers aware of what they can do to lower their bills by using conservation methods, but the information is not out there for people.

Representative Tommy Waters – No representative.

Senator Fred Hemmings – Senator Hemmings reported:

- Senator Hemmings was pleased with traffic solutions being implemented in Kailua. He was discouraged at the costly solution being offered by the City to mass transit and suggested the smaller solution would reduce commute time for many motorists. The extra lane for Kailua Road rock fall mitigation; two turn lanes at Kapaa Quarry Road and Kalaniana'ole Highway, the upcoming lights at Oneawa. He is working on the two lanes at Punchbowl that merge into one lane under the freeway so that it remains two lanes for better traffic flow to the Pali Highway.
- In response to DLNR's Director, Peter Young and his presentation, Senator Hemmings suggests the State can help with legislation to issue licenses and collect fees from bed and breakfast operators that will help fund the enforcement effort and that the long requested statewide numbers on the carrying capacity of tourism has not yet been done and the point of diminishing return is that tourism, in the name of economic development is having an adverse affect on our residential neighborhoods statewide.

Senator Bob Hogue – No representative.

U.S. Congressman Ed Case – No representative.

There were no further questions for Elected Officials.

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COMMUNITY ISSUES: Interested persons wishing to speak were asked to sign-in or complete the community concern form.

1. Commercial Activities – Kalana Best said last month one of the people that testified for commercial activity at Kailua Beach said if you ban commercial activity at Kailua Beach that they'll just go over to Lanikai. She wanted to inform everyone that that is already happening on the hour every hour. In Lanikai you can see kayak rentals, kayak trailers and are now using the Lani Cove right-of-way; they're not parking on the side streets but are parking right on Mokulua Drive. This is a real traffic and congestion problem and a safety problem in the right-of-way; and what's happening is that they are having guests come down and pick up their kayaks at the right-of-way, while others are coming back from the beach dropping off their kayaks. This is blatant commercial activity and people are saying, "what is the difference between this and the Federal Express truck to drop a package off." Best describes the difference is that this activity is done on the street and not like the Federal Express truck making a delivery at a particular residence. She would like the Board to consider a resolution regarding tour companies. She would also like to applaud the Board for standing up and fighting for the community. One further comment regarded acceptable change – it's no longer acceptable – it is unacceptable change; if you can't enforce what's there now you can't permit anything else. In closing, she left pictures of the kayak rental business with 3-4 people and 10-12 guests; the 10 – 12 tour guests every hour on the hour will have a great impact, than a couple of local people coming out there in their free time.
 - Bartley's been through there, seen the pictures of the trucks parked on the unimproved sidewalk and asked Best if she's called the police. Best said that's been a real problem and their response was that it's the officers' discretion or the commercial operators tell the police that they're going to move shortly, etc. Bartley said if one were parked on a concrete sidewalk, they'd be towed away immediately, so he doesn't understand.
 - Best said that she called the owner of Twogood Kayak and he said that they had every right to be there; another time she spoke to someone who just off loaded and he said his mother lives there and he had every right to be there. She further noted that you're going to end up with a militant type of situation on your hands if they continue to give these kinds of excuses.
 - Enos, who lives on Mokulua Drive, said this is the same situation that she keeps harping about at Kailua Beach Park; and the tolerance level was such that no one seemed to care and now there's more and more.
 - Prentiss said a point well taken. The situation - commercial use in a residential area is a matter of the Planning, Zoning and Environmental Committee, so he would like to refer this matter to the PZE Committee.
 - Bartley hasn't heard any official comment regarding the parking issue, so it seems if the illegal parking situation there is enforced then the problem would be over. He would like to hear some comments regarding parking on an unimproved sidewalk area and asked if anybody knows if that's correct. Best said the Lanikai Community Association addressed this a few months ago and were told by DPP, Police Department and Councilmember Marshall's Office that yes there is no parking allowed anywhere in Lanikai, its all unimproved walkways, but when they are called for no parking in the bike lane it is enforced while the walkways is, unofficially, not a priority.
2. David Shores is in the process of moving from Lanikai to across of Kailua Beach Park; he has talked to the Honolulu Police Department about the safety issues at Kailua Beach Park and remarked that the beach park is not closed and stated officers he has talked to suggest the beach park be closed at 10 o'clock at night and that would make it a safer place. He questioned the Board whether this was a good or bad idea. He stated he personally saw no use of the park after 10 o'clock at night and wondered the Board's opinion on the matter.
 - Prentiss responded there are a number of opinions on this topic and the Board has addressed having the parking lot closed, but not the park.
 - Shores suggested a petition from the residents across from the beach park.
 - Janet Shores wanted to know why the Board did not close the Park in the past.
 - Prentiss stated there were differing objections – walk on beach, closing the beach park, access to the state beach and water, property, technical issues.
 - David Shores stated the beach was open 24/7.
 - Prentiss expressed the State water/beach is an access right, therefore is one of the technical issues when the ingress and egress is through a City park.

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- Evans stated that Ala Moana Beach Park is now closed at night – so it is possible to get a lot of community support to close the beach park.
 - Shores asked who has the authority to close the park.
 - Evans stated the Director of Parks and Recreation Department and the Mayor. Evans further suggested Mr. Shores contact Melvin Kaku, the Director of Transportation Services.
 - Prentiss suggested Mr. Shores bring the issue to the Parks Committee at Boettcher Estates (Kalama Beach Park) on Tuesday, July 18 at 7:00 p.m.
 - Dudley asked Mr. Shores his complaint specific to the beach park.
 - Mr. Shores stated he had no complaint about the beach park but that in his discussion with the police officers suggested the crime rate in the beach park was pretty heavy and they further suggested it spilled over into the residential area bordering the beach park and Mr. Shores was concerned as he was to move into the area. He noted the beach park was very dark at night. He wanted to improve the safety of the area.
3. Maria Gorak stated that on February 7, 2002 the KNB made a motion to support the concept of the establishment of a sanctuary of Abandoned and Homeless Animals; on February 25 the KNB sent a letter to Mayor Harris asking him to designate public lands for a sanctuary in order to take care of God's creatures. Today, we don't have a sanctuary for animals in Hawaii and it is time to take some action. Volunteers experience many burdens instead of community support—some are even arrested for feeding homeless cats. We cannot expect a sanctuary at this time because we need to address the problem of homeless people. But, it is a very simple, easy, humanitarian way to reduce the cat populations. Hawaii may follow the lead of other island to require spaying or neutering of homeless animals and pet owners to spay and neuter their pets. Because some pet owners are very irresponsible and they repeatedly throw away their unwanted animals, this is the only way to make pet owners responsible. Recent legislature signed by Governor Lingle is very important. They protect animals from their abusers, and assist people who are working for animal rights. Ms. Gorak requested the KNB to continue supporting abandoned animals that desperately need our help. Please send a letter, as was done in 2002, to Mayor Mufi Hannemann and Governor Lingle, and request installation of spaying or neutering of all pets in Hawaii.
4. Bea Warden, Kailua resident of 32 years experiences parking in front of her home and the concept of no parking on unimproved sidewalks is new to her. She thought anybody could park in front of her house. She questioned, however, the green waste recycling. While it can be turned into garden products, can it be burned for electricity? The recent system of green waste being collected in those itty bitty blue cans is not working. As a result, ton and tons of green waste are going out with regular trash because the green waste doesn't fit in the Blue bins. While a recycler of newspapers and cans, herself, she and other residents cannot get rid of all this green waste.
- Ure asked to re-direct the question to the Mayor's representative, Dan Orodener--can residents have more than one blue bin.
 - Orodener believes they may, however, they would have to pay for the blue bin.
 - Prentiss – asked the Mayor's Representative to find out what the rules are.

COMMUNITY PROJECTS AND NOTICES - None.

BOARD ACTION:

Chinen, Correa, and Dowsett left the meeting, 13 members present.

Executive Committee – Prentiss explained that the Board action by the Executive Committee is requesting to:
Motion: Dissolve the PROPERTY TAX PROPOSALS Permitted Interaction Group - Members: Kathy Bryant, Linda Ure, and Chuck Prentiss. He explained that the City Council has already taken final action. Also, that it may be appropriate for the Board to take action at the next meeting to form a new committee to address long term solutions for property tax problems. **Harding seconded the motion.** There was no further discussion. By a show of hands, **the motion carried by unanimous consent. 13-0-0. Aye:** Bartley, Corcoran, Dudley, Evans, Enos, Glanstein, Harding, Lindgard, Tomasa, Prentiss, Ure, Wilson, and Wong.

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NON COMMITTEE ACTIONS: Prentiss indicated there are two non-committee motions before the Board; Corcoran was asked to explain the first motion. Corcoran explained this is a non-committee action came before the committee only today because the notice was delayed at the Neighborhood Commission Office. The motion reads:

Motion: Corcoran moved that the KNB requests a 60 day extension of the July 21, 2006 deadline for response to DPP's proposed amendments to the Public Infrastructure Maps (PIM); Wong seconded the motion. Discussion followed: 1) Wong said this is an issue previously talked about regarding the Board's inability to receive notices in a timely manner. This notice received by the NCO was dated June 1, therefore, not in time for the Planning, Zoning and Environmental (PZE) Committee meeting. What do you do or perhaps DPP can come up with possible solutions. If the Board received notices in a timely manner then the KNB would not have to ask for extensions. 2) Glanstein said this issue of timely notification did not start with this neighborhood board, or this month or this year. One of the ways it can be addressed is by picking up the mail on a regular weekly basis, which she did last week (because she was in town), etc. She felt that this is something that can be worked out; if anyone going to town would be willing to volunteer to pick it up; but she didn't think that it can be expected the DPP to all of a sudden change the way they've done things for years and years. Nevertheless, timely notification is an issue and something that needs to be addressed. This can be done by the Board being proactive instead of reactive even if it means a member going down every Friday to pick it up; and though this is not a total solution, this is one way of addressing the matter in a positive direction therefore, Glanstein favored the motion. 3) Bryan Mick clarified this particular situation. He noted although the notice is dated June 1, NCO received this notification electronically on or about June 16, at which time he immediately forwarded the electronic notice to all neighborhood board Chairs' for their consideration. Mick was not certain when Chair Bryant-Hunter went on vacation, but had assumed that the notification was received by her. Corcoran said in the interest of time, and money, the KNB has opted to scan and email the memo to all board members, which is what Mick had done and it was received by Board members on June 20 the day of the committee meeting, and that's what the Board is addressing. Although DPP's notice date is June 1, and it was transmitted to Mick for follow-up to NBs on June 16; and therefore, assuming that this is when it was received by the NCO. Mick was asked by Corcoran to check with the NCO Executive Secretary, or others, so that matters such as this are addressed in a timely fashion. **The motion carried by unanimous consent. 13-0-0.** **Aye:** Bartley, Corcoran, Dudley, Evans, Enos, Glanstein, Harding, Lindgard, Tomasa, Prentiss, Ure, Wilson, and Wong.

Vice Chair Prentiss recognized Board member Bartley for the next motion. Bartley:

Motion: Bartley moved that the KNB strongly urges the State of Hawaii and the City and County of Honolulu to reach long-term resolution on the ownership, improvement, maintenance, and liability for the entirety of the Kawai Nui Marsh and its flood control features; Corcoran seconded the motion. Discussion followed: 1) Bartley explained that the Board with this motion is now on record having discussed this issue and now needs to go beyond the departments and agencies already contacted; the Board needs to have others tell the State and City they need to have someone in charge that can get the job done. **The motion carried by unanimous consent. 13-0-0.** **Aye:** Bartley, Corcoran, Dudley, Evans, Enos, Glanstein, Harding, Lindgard, Tomasa, Prentiss, Ure, Wilson, and Wong.

Chinen and Correa returned to the meeting, 15 members present.

COMMITTEE REPORTS:

Permitted Interaction Groups:

Enforcement of B&B and TVU Update – Wisch's report was read by Wong.

Per the June 16 Honolulu Star Bulletin Article, Vacation Rental fines have hit \$429,000.00 but the City has collected just \$5,000.00 of the sum due to pending appeals by the sites. One site owner has cited for fines that have now accumulated to \$90,000.00. When the fines have not been paid, DPP will be placing a lien on the property. One site owner has also had her operation ordered to be shut down by the courts and her rumors evicted by the first of September. Wisch will be writing to the Director of DPP to request a summary presentation at a future Board meeting or set a special meeting to set to discuss illegal TVU's and B&B's. The article is included in the minutes by request.

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- The city has collected just \$5,000 of the sum due to pending appeals over the illegal sites, article by Alexandre Da Silva in the Honolulu Star Bulletin, June 15, Section A, page 1: the proliferation of illegal vacation rentals in residential areas could boost the city's treasury this year.
- Since January, city inspectors fined 19 homeowners a combined \$429,000 for renting their properties for less than a month without a permit. In comparison, just five people were cited in 2005 for a total of \$3,000, according to statistics from the city's Department of Planning and Permitting.
- Penalties for running the short-term rentals increased from \$50 to \$1,000 a day last summer after residents began complaining over noise and traffic from tourists vacationing in their neighborhoods. The money goes to the city's general fund.
- Because of pending appeals, the city has collected just \$5,000 as of Tuesday, compared with \$3,000 in all of last year. But it expects to get accumulated payments from at least 10 residents who have been ignoring orders to cease operations.
- "If they just ignore it, it's like a meter in a taxicab," said Henry Eng, director of planning and permitting. "The daily fines continue until the matter is corrected ... and then when it is resolved, we work on collections of the fine."
- For example, one landlord in Lanikai, who was ordered to stop offering the rentals on March 15, owed \$78,000 as of June 1, according to Don Bremner, an upset Kailua resident who is keeping track of enforcement.
- "It's working," said Bremner, a consultant. "There's still a lot of people renting. However, we are seeing the beginnings of a turn back."
- Another dispute involving two neighbors in Lanikai is now in court.
- Susan Cummings is suing her next-door neighbor, claiming the woman has been making thousands of dollars in rent each month from guests who stay at the home for less than 30 days.
- "She's living in hell in Lanikai," said Cummings' attorney, John Remis.
- He said her client, who installed security cameras around her home to film guests, plans to submit the images as evidence in court hearings.
- About 1,000 homeowners on Oahu have a certificate to manage the short-term rentals. Although the city stopped issuing new certificates in 1989, a state study done last year found more than 2,000 online advertisements for the rentals on the island.
- Even with new fines, Bremner said some homeowners could still be profiting from nightly rates as high as \$2,000.
- "There maybe one or two who are in the category of being able to pay \$1,000 a day and still make money," he said, "but those are few and far between."
- Many property owners involved in the industry live outside Hawaii and advertise their homes on the Internet to mainland visitors, according to Michael Friedel, code compliance chief for the city. "We are getting referrals every day for vacation rentals. The community is up in arms over this," he said.
- The daily fines kick in if landlords continue to offer the illegal rentals 30 days after being warned.
- Friedel said some operators who have been contesting the fines claim that they were not aware of the law, while others argue that visitors who sign leases for more than a month leave earlier without giving notice.
- "They act like they are (surprised), but I don't really think so," Friedel said, noting that guests who stay at the rentals are not breaking the law. "The word is out."

Neighborhood Plan Review - Jon Chinen reported that the Commission (at the June 26 Commission meeting) established a Permitted Interaction Group (PIG) - Commission Chair Grant Tanimoto, Commissioner Ed Gall and Commissioner Sylvia Young. The first meeting was Saturday, July 1 from 9 a.m. to 12 p.m. at the City Hall Annex Conference Room. The next meeting will be this Saturday, July 8; followed by each Saturday through August/September; and looking at the 2006 going to public hearings and be approved (adopted) by December. Chinen will keep the Board updated.

Transportation & Public Safety Committee – Committee Chair Faith Evans reported:

- Enforcement of disabled persons' parking spaces - is up and running again with uniforms and magnetic signs for their vehicles. They are enforcing violators of disabled person's parking spaces without placards.
- Parking along Kawailoa Road running parallel to Kailua Beach Park- today we received a copy of a memo from Boise Correa, The police chief, to Melvin Kaku, director of DTS requesting more no parking signs to be posted. He said, "We would like to request that 'No Parking-Tow Away Zone 10 p.m. to 5 a.m.' signs be posted along the makai shoulder of Kawailoa Road, from Popoia Road to Alala Road. In the letter that was sent to us from DTS, I attached to Wayne Akuzaki stating this issue could not stop here. A quoted a little

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caveat (DTS) said HPD requested assistance they might consider it. HPU took the lead and decided to ask for the erection of these no-parking signs.

- Wong inquired whether or not that 10 p.m. to 5 a.m. parking ban would affect the regattas. Evans suggested that the time is the same as for the parking lot of the beach park and not the boat ramp and therefore would not affect the regattas.
- Jaywalking in front of Kailua Police Substation – there were complaints of kids, teenagers and adults crossing the street across from the 7-11 store to the police station area when going to the library or to school and No person shall cross any roadway in any business district except in a marked or unmarked crosswalk, or any roadway in any residence district within 200 feet of any intersection except in a marked or unmarked crosswalk in an intersection. It so happens that the area is 200 feet from two intersections and it becomes an unmarked crosswalk at 7-11 to cross over to where the police station is. When school starts we will be in touch with these principles so we can hopefully get to these kids.
- Bus shelters on Kalanianaʻole Highway – a letter is on its way to DTS, an inquiry of their rejection to build. I looked at the area and it is possible to build those bush shelters.
- Kailua High School Access Road – Glanstein reported that the State Budget Bill (signed on June 1, 2006) includes \$5,175,000.00 for design and construction and Department of Accounting and General Services (DAGS) is currently in charge of the project. DAGS is proceeding to wrap up the planning phase, and hope to have a designing consultant in place by July and expecting construction sometime in the end or the fourth quarter of 2007. The Environmental Assessment will be addressed as more information becomes available.
- **TRANSPORTATION & PUBLIC SAFETY COMMITTEE WILL RECESS FOR THE MONTH OF JULY.**

Government & Community Services (GCS) - Jon Chinen, Chair

- Legislative Liaison Update – Glanstein reported the Governor signed House Bill 1900 of the State budget which included \$5,175,000 for construction of the Kailua High School Access Road. She signed the bill on June 1; and is now Act 160. Glanstein will keep everyone informed of any updates.
- Revised Draft Neighborhood Plan Review Update – Chinen reported because of the scheduled timetable set by the Neighborhood Commission's Permitted Interaction Group meetings, it will be conflict with the Government & Community Services meetings at 10 a.m. for the next two months. GCS will shift their meeting times from 10 a.m. on to 2 p.m. on Saturday, July 15; also in August, the meeting will be shift to 2 p.m. to makeup for the conflict during the Neighborhood Plan and the GCS meetings, and will continue to remain fully active in those months.
- Waimanalo Gulch Landfill Leeward Update – Corcoran said the latest information he heard from the Director of the Department of Environmental Services to watch for in your public announcements of a public informational meeting in the Windward area regarding Waimanalo Gulch Leeward Landfill.
- Real Property Taxes – Newly Enacted Ordinances Update – Chinen reported the rate have been lowered from \$3.75 per \$1,000 to \$3.59 per \$1,000.
- Chinen reported receiving no response from the U.S. Congressional Delegation regarding the reopening of HUD Section 8.
- Chinen reported receiving no response from the Department of Health regarding the expansion of the Crisis Intervention Facilities to include homeless population.
- Corcoran reported on the accelerate timetable for completion of sewer replacement, rehabilitation and repair as relates to Kailua; and the Wanaao Road Emergency Sewer Bypass – Corcoran direct attention to a letter received from Dr. Eric Takamura, in response to the committee letter. Detailed three pager information on schedules for the sewer rehabilitation project in particular districts. It provided estimated time of completion of various projects for the coming 18-months of sewer rehabilitation/replacement. Specifically, the Kalaheo Avenue contract install additional bypass pumping in construction areas in order to prevent the surcharge conditions that were causing spills at Kailua High's pump station on Wanaao Road. So if this action and everything works like it's designed to work then we shouldn't have future spills there at the pump station on Wanaao Road. So the contractor was asked to build that bypass right in to the existing Kalaheo system itself.
- Chinen reported no response was received from the State DBEDT regarding inappropriate use of taxpayer dollars advertising illegal vacation locations.
- **COMMITTEE MEETING: For July and August the meetings have been shifted to 2:00 p.m. at Zippy's Kailua.**

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Parks and Recreation, Chuck Prentiss – Chuck Prentiss, Chair reported:

- Update on board actions relating to Kailua Beach Park – the motion passed out of committee and letters were sent to the Parks Department, a copy to the Mayor and Mr. Peter Young; a response not yet received. A letter was received today from LaniKailua Outdoor Circle congratulating the passing of the motion at the last meeting, so the Board has support of the Outdoor Circle Copy of the letter was given to the Board Secretary if you wish to review it.
- KBAC Kaha Park Demonstration Project – still no response from the City; the last the committee heard is that the City was that they weren't going to approve that and so the committee weren't going to do anything until a response is received.
- **COMMITTEE MEETING: TUESDAY July 18, 2006, AT 7:00 PM KALAMA BEACH PARK**

Planning, Zoning & the Environment - Donna Wong, Chair

- Corcoran said the committee is still working on the first three items and have no specifics: regarding residential density, zoning and development; b) permitting requirements for care homes in residential areas; and c) the antennas on Pu'u Papa'a Mala'e above Aikahi.
- Corcoran already reported on under the sewer rehabilitation/replacements project.
- Corcoran reported receiving a very important letter from the Clean Water Branch talking about the possible spills or overflows by Kapaa Quarry during the six weeks of rain we had. The letter is in the reading file – they found that there was no violation of the permit given to Kapaa Quarry and so far as the over flows are concerned they are going to do a legal inspection of all aspects of the operation of Kapaa Quarry to insure it is operating within the requirement of the various permits, and they're also going to further inspect the utilities in the vicinity of Kapaa Quarry Road and along the Access Road. There are a number of different businesses and government facilities along Kapaa Quarry Road.
- Bill 7 Ohana Zoning – deferred until the next meeting.
- Waimanalo Gulch Landfill - Leeward - update – Public Meetings – Corcoran already reported on.
- Kawai Nui Marsh Update – Already reported on by Mr. Bartley.
- **COMMITTEE MEETING: TUESDAY July 18, AT 7:00 PM KALAMA BEACH PARK**

Questions and answers: 1) In response Evans, Corcoran said that the Director, Dennis Lau of the Clean Water Branch said that they would be scheduling the inspections. They'll be doing a full inspection of the operations to insure they are operating within the requirements and this year will do an inspection of the various facilities along Kapaa Quarry Road and along the Access Road. 2) Dudley asked didn't they move their operations across to the other side of H-3 and opened up another quarry; Corcoran said that is in the process of putting in Phase B, which is on Kailua side of H-3. It is in the process of being opened and that's one of the reasons it was a concern of the community members; also the Clean Water Branch is going inspect some of the landslides that occurred in relations to the opening of Phase B on the Kailua side of H-3; the operating phase of the quarry is on the other side of the H-3.

Executive Committee - Board Chair, Vice Chair, & Secretary/Treasurer

- VC Prentiss reported no response from DOH regarding the beach/sand testing/monitoring of all beaches. Lindgard said one of the reasons why the committee hasn't received anything is because he contacted the EPA on the question of lead pollution in the bay and is now working with the local EPA. Last Friday, he took pictures of folks camping in the beach in the polluted sand, a young visiting kid from California sitting in the sand, three guys fishing, and pictures of growing metallic lead pellets; he maintains that we are really going to need those signs up that say the area is polluted. So that's one of the reasons why you didn't get an answer. Prentiss asked Lindgard to come to the PZ&E meeting to report this information.
- Status of Complaints – still no response on the complaints.
- Appointment of Committee Chairs – deferred.
- **COMMITTEE MEETING: TUES. July 25, 8:30 AM AGNES BAKERY**

OTHER REPORTS:

Civilian-Military Council – Corcoran acknowledged a successful Bay Fest event conducted with thousands and thousands of people from June 30 to July 4; also he commended the Marine Corp Base Hawaii for its participation in Kailua's 4th of July festivities.

Kailua Chamber of Commerce – No representative present.

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NEW BUSINESS: None.

BOARD ANNOUNCEMENTS: The following announcements were made:

- Submit August agenda items to Chair by July 24.
- Copy all Committee correspondence to Chair and Secretary.

ADJOURNMENT: Evans commended Vice Chair Prentiss for running a good meeting tonight. Without any objections, the meeting adjourned at 9:50 p.m.

Submitted by

Linda Ure, Board Secretary and
Marie Richardson, Neighborhood Assistant